

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	
	)	
	)	
Plaintiff,	)	C.A. No. 16-122-LPS
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
GROUPON, INC.	)	
	)	
Defendant.	)	

**IBM’S MOTION TO EXCLUDE THE TESTIMONY OF JAMES MALACKOWSKI AND  
JON WEISSMAN CONCERNING NON-INFRINGEMENT ALTERNATIVES**

Plaintiff International Business Machines Corporation (“IBM”) hereby moves to exclude the testimony of James Malackowski and Jon Weissman concerning non-infringing alternatives. Attached hereto is a proposed order granting IBM’s motion to exclude the testimony of James Malackowski and Jon Weissman concerning non-infringing alternatives. The grounds for IBM’s motion are set forth in its brief in support filed concurrently herewith.

Pursuant to D. Del. LR 7.1.1, the parties met and conferred, and Groupon opposes this motion.

Respectfully submitted,

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